SINGLE BENCH (4)

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IN THE COURT OF HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO 1308.../2006

PETITIONER

Budhram S/o Shri Bhojram Ram, Aged about 48 year working as Gangman Department of P.W.D.R/o Daokijor , Tah. Sarangarh Distt. Raigarh (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh through its Secretary, Public Works Department, Mantralaya, D.K.S. Bhavan, Raipur (C.G.)
2. Engineer-in-Chief, Public Works Department, Mantralaya, D.K.S. Bhavan, Raipur (C.G.)
3. Superintending Engineer, Public Works Department, Bilaspur Division, Distt. Bilaspur (C.G.)
4. Executive Engineer, Public Works Department, Dist. Raigarh (C.G.)

P.R. No. 849/06
Presented by Shri ... Dubey
dated 15/12/06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC. OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1308 of 2006

Petitioner Budhram

Versus

Respondents State of Chhattisgarh and others

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Sameer Behar, counsel for the petitioner.

Shri V.V.S. Moorthy, Deputy Advocate General with Smt. Anju Ahuja, Government Advocate for the respondents/State.

ORAL ORDER

(25th March, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner has filed this petition under Article 226/227 of the Constitution of India on the ground that even after completing 25 years of service, his services have not been regularized.

2. Counsel for the petitioner submits that the petitioner is serving as Gangman since more than 25 years. He has filed copy of Service Book. He submits that the petitioner is entitled to be regularized under the Gangmen's Service Rules, 1996 (Annexure P/2) and the Circulars dated 9.4.2003 (Annexure P/3) and 3.9.2002 (Annexure P/4). It is pointed out that representations as per Annexure P/6 were made collectively and the same is pending. It is also pointed out that same persons have been regularized. Learned counsel relied on a decision of Hon'ble Apex Court in the case of **The Workmen of Bhurkunda Colliery of M/s. Central Coalfields Ltd. Vs. The Management of Bhurkunda Colliery of M/s. Central**

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Coalfields Ltd. reported in 2006 AIR SCW 452. He referred to para 19 and 27 of the above decision.

3. Learned State counsel pointed out that the representation submitted by the petitioner is pending and the same will be considered and decided.

4. Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, for the present, ends of justice will be served if a direction is given to the petitioner to make a detailed representation afresh raising his grievances before the respondent No. 2/Engineer-in-Chief along with a copy of the petition and this order, within three weeks from today, and on such representation being filed, the competent authority of the respondents shall decide the same on its own merits in accordance with law as early as possible preferably within three months from the date of receipt/production of the representation. It is made clear that if any grievance remains, the petitioner may avail the remedy, available under the law.

5. With the aforesaid observations, the writ petition stands disposed of. No order as to costs.

Certified copy, as per Rules.

Sd/-
Satish K.Agnihotri
Judge

Bablu